

C O N F I D E N T I A L SECTION 01 OF 02 MANAMA 000378

SIPDIS

DEPARTMENT FOR NEA/ARP,
CAIRO FOR STEVE BONDY,
LONDON FOR ETHAN GOLDRICH

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TAGS: KJUS KDEM PHUM KWMN KMPI BA

SUBJECT: SIX SHARIA COURT JUDGES GET SACKED

REF: A. 04 MANAMA 268

1B. 03 MANAMA 1438

Classified By: By Charge d'Affaires Robert S. Ford for reasons 1.4 (b) and (d).

11. (U) SUMMARY. In a move that could boost the rule of law and protect women's rights, the Justice Minister summarily sacked six Shari'a court judges. This is unprecedented. Although the press reported the firings, no reasons for the dismissals were provided. The Justice Minister asked our MEPI-funded American Bar Association (ABA) legal advisor (strictly protect) to review the files of the dismissed judges. The Advisor said all six contained evidence of accepting bribes and coercing sex from female litigants. Women's societies and activists laud the GOB's action, but also call for more reform. Having been repeatedly told by the Minister of Justice that Shari'a courts are off limits when it comes to reform (because Shari'a courts are under the jurisdiction of the Ministry of Islamic Affairs) the dismissal of these judges tells us that judicial reform could be swift, unexpected, pervasive and not necessarily low profile (see reftel A). Our legal advisor recommended criminal prosecution of the sacked judges. Their prosecution, conviction, and incarceration would be a powerful symbol that the King is committed to the rule of law in Bahrain. END SUMMARY.

12. (U) On March 11, the local press reported on the dismissal of five Shari'a court judges: two from the Sunni Shari'a High Court (Shaikh Jassim Mutlaq Al Thawadi and Shaikh Abdulla Al Malki) and three from the Shi'a Jaafari Court (Mohammed Jaafer Al Jufairi, Shaikh Saeed Al Oraibi and Shaikh Mohsin Al Asfoor). No reason was given for their dismissal. On March 14, local Arab press reported the suspension of an additional Sunni High Court Judge Shaikh Jala Al Shargi.

13. (U) Shaikh Jassim Mutlaq Al Thawadi responded publicly on March 14 to the dismissal statement that that he will continue to practice law and that he was shocked to learn of his dismissal in the paper prior to formal notification by his superiors. Al Thawadi also complained that Deputy Chairman of the Supreme Council for Judiciary Shaikh Khalifa bin Rashid Al Khalifa refused to meet with him for discussion on his dismissal.

14. (C) Our ABA legal advisor (strictly protect), who was given permission to review the personnel files of the dismissed judges, told PolOff on March 15 that Al Thawadi's dismissal was no surprise. In our contact's opinion, he was guilty of several counts of sex coercion. The file had sworn statements by law clerks attesting that women were regularly scheduled to come after hours to his chambers to 'discuss' their cases. Some of the women who were scheduled for after-hours consultations have pending civil court sexual harassment cases against Al Thawadi.

15. (C) As for the other judges, our contact told PolOff on March 16, that Shaikh Mohsin Al Asfoor was dismissed for taking a BD32,000 (USD84,800) bribe and a car from a rich businessman in December 2003 and then reneged on his promise to rule in the businessman's favor on an inheritance dispute. Since the December ruling, the businessman has continued to threaten to sue Shaikh Mohsin in an international court of justice and gave the judge a February 2004 deadline before he would go public. The businessman copied the Minister of Justice, the Crown Prince, and the King on all communications. In January 2004, the Minister of Justice requested Judge Al Asfoor meet and explain his actions but Al Asfoor refused all meetings with Minister Al Arayed.

16. (C) Shaikh Abdulla Al Malki's file contained evidence of both bribery and sexual coercion. The other judges' files had evidence of sexual coercion.

17. (C) Bahraini women activists have responded favorably to the dismissals. The leadership of both the Bahrain Women's Society and the Al Mustaqba women's society said it was high time Shari'a court judges were held accountable for their misdeeds. Founding member of the Women's Petition Committee

(see reftel B) Badriya Rabiah told PolOff on March 17 that even though she finally won custody of her children on second appeal in January 2004, there are many more dishonest Shari'a court judges who need to be fired. Plaintiff against Judge Shaikh Jassim Al Thawadi, Ghada Jamsheer told PolOff on March 17 that the sacking of these judges is a step in the right direction but that they should serve jail time for rape and bribery. Human rights activist and attorney Fatima Al Hawaj stressed to PolFSN on March 17 that the Women's Petition Committee played a crucial role in revealing the judges' misconduct. She cited Badriya Rabiah's case as the watershed case that made public the incompetence of Shari'a court judges. Al Hawaj noted that this is the first of many much-needed steps to reform Bahrain's judicial system, and may set the stage for the drafting of a long awaited personal status law.

18. (C) COMMENT. The dismissal of corrupt Shari'a court judges is a large step in the right direction for judicial reform and protecting women's rights in Bahrain. The appointment of eight new judges to the Jaafari Shi'a Shari'a Courts and a new Advisor to the Supreme Judicial Council, suggests more changes are on the way and has the legal community buzzing with enthusiasm. Minister Jawad bin Salim Al Arayed appears to be serious about reform. Our ABA legal advisor (strictly protect) recommended criminal prosecution of the sacked judges. Their prosecution, conviction, and incarceration would be a powerful symbol that the King is committed to the rule of law in Bahrain. END COMMENT.

FORD